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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,165	07/31/2001	Stephen M. Soldis	1842-1000.1	6225

7590 01/25/2005
Thomas E. Smith
Lee, Mann, Smith, McWilliams, Sweeney & Ohlson
P.O. Box 2786
Chicago, IL 60690-2786

EXAMINER

BONSHOCK, DENNIS G

ART UNIT PAPER NUMBER

2173

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,165

Applicant(s)

SOLDIS, STEPHEN M.

Examiner

Dennis G. Bonshock

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Final Rejection

Response to Amendment

1. It is hereby acknowledged that the following papers have been received and placed on record in the file: Amendment as received on 06-24-04.

2. Claims 1-6 have been examined.

Status of Claims:

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kershaw et al., Patent #5,827,070, hereinafter Kershaw and Anderson et al., Patent #6,513,042, hereinafter Anderson.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kershaw et al., Patent #5,827,070, hereinafter Kershaw and Anderson et al., Patent #6,513,042, hereinafter Anderson.

6. With regard to claim 1, Kershaw teaches, in column 10, lines 8-12 and lines 28-38, reporting the test information over a network to a central processing site; in column 10, lines 28-38, collecting examinee identification, and administrative logons IDs and passwords and reporting to a central processing site; in column 10, lines 28-38 and

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lines 41-48 and in column 277, lines 7-16 and lines 43-51, the remote site providing tests and receiving report records; in column 30, lines 62-63, the delivery of test files in an electronic form; and in column 9, lines 3-5 and in column 30, line 59 through column 31, line 5, the proper identification of a examinee and allowing a authorized user to take a test. Kershaw teaches, in column 40, lines 25-32 and column 46, lines 52-59, the examinee having sign on data, a name, and a registration number; in column 46, lines 20-26 and 52-67, the key file containing the administrative logon ID, password and the names of the authorized to use the system with the administrator further comparing the names and registration numbers of the examinees (see also column 10, lines 28-38); Kershaw, however, doesn't teach utilizing a predetermined interactive website of the test provider adapted to transmit directly from the test provider to the student test questions and to transmit directly from the student to the test provider answers to the test questions. Anderson teaches a system that provides a test making and test taking at different terminals in a network, where a user logs on to the system before being permitted to access the test (see column 2, lines 22-38 and column 2, line 67 through column 3, line 3), but further teaches, in column 3, lines 9-25 and lines 49-65 and column 6, lines 45-57, a transmission of a test directly from a test maker to a test taker via a web page, where when the test is completed, answers are automatically transferred to the test maker.

7. With regard to claim 2, which teaches the student identification indicia being transmitted to the predetermined interactive web site through the terminal at the testing facility prior to the transmission of the verification indicia by the testing facility, Kershaw

teaches, in column 46, lines 52-67, the verification of examinee name and registration number before the administrator enters a code.

8. With regard to claim 3, which teaches the verification indicia being a password provided to the testing facility to be entered by the testing facility after it has verified the identity of the student taking the test, Kershaw teaches, in column 9, lines 3-5, column 10, lines 28-38, column 45, lines 52-62, and in column 46, lines 52-67, verification indicia being a password that is entered after the examinee is identified.

9. With regard to claim 4, which teaches the password system being periodically changed by the test provider to maintain the integrity of the system, Kershaw teaches, in column 10, lines 28-38 and column 46, lines 20-26, the changing of the password in the system, by the administrator.

10. With regard to claim 5, which teaches the password being a combination of codes to further maintain the integrity of the system and prevent dissemination of the password to unauthorized users, column 46, lines 20-26, the password which is known in the art to be a means of maintaining the integrity of a system and prevent dissemination of the password to unauthorized users.

11. With regard to claim 6, Kershaw teaches, in column 10, lines 8-12 and lines 28-38, reporting the test information over a network to a central processing site; in column 10, lines 28-38, collecting examinee identification, and administrative logons IDs and passwords and reporting to a central processing site; in column 10, lines 28-38 and lines 41-48 and in column 277, lines 7-16 and lines 43-51, the remote site providing tests and receiving report records; in column 30, lines 62-63, the delivery of test files in

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an electronic form; and in column 9, lines 3-5 and in column 30, line 59 through column 31, line 5, the proper identification of a examinee and allowing a authorized user to take a test. Kershaw teaches, in column 40, lines 25-32 and column 46, lines 52-59, the examinee having sign on data, a name, and a registration number; in column 46, lines 20-26 and 52-67, the key file containing the administrative logon ID, password and the names of the authorized to use the system with the administrator further comparing the names and registration numbers of the examinees (see also column 10, lines 28-38); Kershaw, however, doesn't teach utilizing a predetermined interactive website of the test provider adapted to transmit directly from the test provider to the student test questions and to transmit directly from the student to the test provider answers to the test questions. Anderson teaches a system that provides test making and test taking at different terminals in a network, where a user logs on to the system before being permitted to access the test (see column 2, lines 22-38 and column 2, line 67 through column 3, line 3), but further teaches, in column 3, lines 9-25 and lines 49-65 and column 6, lines 45-57, a transmission of a test directly from a test maker to a test taker via a web page, where when the test is completed, answers are automatically transferred to the test maker.

Response to Arguments

12. The arguments filed on 06-24-04 have been fully considered but they are not persuasive. Reasons set forth below.

13. The applicants' argue that the system doesn't utilize and interactive website for direct communication between the test provider and the students.

14. In response, Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

15. The applicants' argue that Kershaw doesn't teach delivery of test files and applications to the test center in "electronic form".

16. In response, the examiner respectfully submits that Kershaw teaches, in column 30, lines 62-63, the delivery of test files in an electronic form

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571)

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272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

1-18-05
dgb


JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100